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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,722	12/02/2004	John Chung Lee	17127	9890

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SHELDON MAK ROSE & ANDERSON PC  
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EXAMINER
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LY, CHEYNE D

ART UNIT	PAPER NUMBER
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2168

MAIL DATE	DELIVERY MODE
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09/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/516,722

Applicant(s)

LEE, JOHN CHUNG

Examiner

CHEYNE D. LY

Art Unit

2168

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3, 8-12, 14-16, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3, 8-12, 14-16, 20, and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicants' arguments filed January 04, 2008 have been fully considered but they are not deemed to be persuasive. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set presently being applied to the instant application.

2. Claims 3, 8-12, 14-16, 20, and 21 are examined on the merits.

### **REMARKS**

3. On page 5-6, Applicant argues Prague does not describe the new limitation of "wherein the unique task number is assigned permanently to each of the records in the database."

Applicant's argument is not persuasive because the cited disclosure of the Pet ID primary key is made of the owner's customer number followed by a dash and a tow-digit sequence number. For example, page 99 illustrates the Pet ID of AC001-01 is based on the owners customer number which is based the abbreviation of the owner's name such as AC for "All Creatures." Therefore, it is reasonable to conclude that each Pet ID is unique and permanently assigned to each of the records in the database because the Pet ID is always associated with the customer number.

4. As for the argued limitation of wherein when one of the plurality of records is deleted, the task numbers of the remaining records are not renumbered, Applicant's argument is not persuasive because each Pet ID number is based the unique customer number. Therefore, when a record is deleted the Pet ID of the remaining records are not renumbered because the Pet ID number scheme is not sequence.

**CLAIM REJECTIONS - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 8-12, 14-16, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prague et al. (1997) (Prague hereafter).

7. It is noted that the Prague reference in its entirety is prior art, however, only the pertinent pages are provided with this application.

8. In regard to claims 3 and 11, Prague describes a method to organize and track information, comprising the steps of:

9. Inputting information into appropriate fields in a plurality of records in a database (pages 150-151, e.g. Entering New Data section) wherein each of the records comprises follow-up date information, priority information, and a unique task number, wherein the unique task number is assigned permanently to each of the records in the database (page 99, Figure 6-10, and page 138, lines 1-10, e.g. "primary key");

Querying the database using query criteria based on a desired field (page 318 in its entirety, e.g. Figure 14-1);

Retrieving the records with fields that match the query criteria (page 326 in its entirety, e.g. Figure 14-6);

Sorting the retrieved records (pages 223-224, e.g. Sorting on more than one field section);

Presenting the sorted records for viewing (pages 223-224, e.g. Figure 1-14);

Wherein a person may made efficient critical decisions based on the information presented.

10. In regard to the limitation of “wherein when one of the plurality of records is deleted, the task numbers of the remaining records are not renumbered”, the instant specification describes the “task number” field is used as the third index to avoid duplicate keys...” (page 3). Prague describes the “primary key is an index...doesn’t allow any duplicates for the primary key field” (page 138, lines 1-10). Further, Prague provides exemplary primary keys (page 138, lines 11-18) which supports that wherein when one of the plurality of records is deleted, the primary keys of the remaining records are not renumbered.

11. However, Prague does not explicitly describe sorting the retrieved records in the order of the follow-up date information, priority information, and a unique task number. Prague describes the Microsoft Access as “a powerful, easy-to-use database management system” (page xli). Therefore, one of ordinary skill in the art at the time of the invention would have been motivated by Prague to use the powerful, easy-to-use database management system, Microsoft Access, to sort the retrieved records in the order of the follow-up date information, priority information, and a unique task number. Therefore, it would have been obvious to

sort the retrieved records in the order of the follow-up date information, priority information, and a unique task number with the Microsoft Access application.

12. In regard to claim 8, Prague describes when a new record is added to the database, the new record is assigned the next available task number (page 138, lines 11-18, e.g. AD001-01, AD001-02).

13. In regard claims 9 and 10, Prague does not explicitly specify a date earlier than the current date, or follow-up dates between two specified dates. Prague describes sorting on more than one field section (pages 223-224) and provides exemplary data comprising a plurality of dates such as “follow up date.” Therefore, it would have been obvious to specify a date earlier than the current date, or follow-up dates between two specified dates with the Microsoft Access application.

14. In regard to claims 12, 14-16, 20, and 21, Prague describes the computer program (page xli) for implementing the above cited method.

15. Further, it is noted that the limitations of follow-up date information, priority information, and a unique task number have been interpreted as merely nonfunctional descriptive material because said data does not cause any interrelationship between the data and the medium. Where the only difference between a prior art product and a claimed product is printed matter that is not functionally related to the product, the content of the printed matter will not distinguish the claimed product from the prior art. In re Ngai, <sup>367</sup>F.3d 1336, 1339, 70 USPQ2d 1862, 1864 (Fed. Cir. 2004).

16. Further, In re Gulack defines nonfunctional descriptive material, as when descriptive material is not functionally related to the substrate, the descriptive material will not

distinguish the invention from the prior art in term of patentability. Also, the MPEP (2106.01 [R-5] II) indicates that descriptive material that cannot exhibit any functional interrelationship with the way in which computing processes are performed does not constitute a statutory process, machine, manufacture or composition. Specific to the instant case, the follow-up date information, priority information, and a unique task number are merely stored so as to be read or outputted by a computer without creating any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer, then such descriptive material alone does not impart functionality either to the data as so structured, or to the computer. See also *In re Gulack*, 703 F.2d 1381, 1385-86, 217 USPQ 401, 404 (Fed. Cir. 1983).

### **CONCLUSION**

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

19. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

20. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The USPTO's official fax number is 571-272-8300.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached on (571)272-3642.

/Cheyne D Ly/  
Primary Examiner, Art Unit 2168